

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

NATHAN JAMES LEE, formerly known as
Nathan James Staffa,

Case No. 17-CV-3133 (SRN/SER)

Plaintiff,

REPORT AND RECOMMENDATION

v.

MINNESOTA DEPARTMENT OF
INTERNAL REVENUE SERVICE and
DEPARTMENT OF LABOR,

Defendants.

Plaintiff Nathan James Lee was ordered to submit an amended application to proceed *in forma pauperis* and amended complaint by no later than September 8, 2017, failing which it would be recommended that this matter be dismissed without prejudice for failure to prosecute. *See* ECF No. 3 (citing Fed. R. Civ. P. 41(b)). That deadline has passed, and Lee has not complied with this Court's prior order. In fact, Lee has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

RECOMMENDATION

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS
HEREBY RECOMMENDED THAT:

1. This matter be DISMISSED WITHOUT PREJUDICE for failure to prosecute.

2. Plaintiff Nathan James Lee's application to proceed *in forma pauperis* [ECF No. 2] be DENIED AS MOOT.

Dated: September 25, 2017

s/ Steven E. Rau

Steven E. Rau

U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in LR 72.2(c).